

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Criminal MINUTES - GENERAL

Case No. 2:24-cr-00527-SVW

Date August 15, 2025

Title *United States of America v. Trevor James Kirk*

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Daniel Tamayo

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: ORDER GRANTING DEFENDANT'S MOTION FOR BOND PENDING APPEAL [136]

Before the Court is Defendant Trevor James Kirk's ("Defendant") motion for bond pending appeal. ECF No. 136.

In general, persons convicted of federal crimes are not eligible for release pending appeal unless a court finds:

- (A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released...and
- (B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in--
 - (i) reversal,
 - (ii) an order for a new trial,
 - (iii) a sentence that does not include a term of imprisonment, or
 - (iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.

18 U.S.C. § 3143(b)(1).

As to the first question, the Court finds that Defendant is not a flight risk, nor does he pose a danger to the community. Indeed, the Court made this finding already when it denied Defendant's previous

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motion for bond pending appeal. *See* Transcript of July 21 Hearing, 3:23-25 (“There is no question. I mean, in my view, he is not going to flee, and he will appear. So that is a nonissue.”).

As to the second question, the Court finds that this appeal is not for the purpose of delay and presents an appeal on “a non-frivolous issue that, if decided in the defendant’s favor, would likely result in reversal.” *United States v. Garcia*, 340 F.3d 1013, 1021 n.5 (9th Cir. 2003) (citing *United States v. Handy*, 761 F.2d 1279, 1280-83 (9th Cir.1985)) (finding that a substantial question of law or fact is “one that is fairly debatable or fairly doubtful, that is, of more substance than would be necessary to a finding that it was not frivolous”) (internal quotation marks omitted). As made clear in the Court’s order denying the Government’s motion to dismiss, which order Defendant now appeals, the appeal presents a substantial question of law, which question, if decided in Defendant’s favor, would result in reversal. *See* Order Denying the Government’s Motion to Dismiss, ECF No. 134.

Therefore, for the foregoing reasons, Defendant’s motion for bond pending appeal is GRANTED.

Defendant is on bond under the same terms and conditions previously imposed.

Accordingly, the Court’s order requiring Defendant to self-surrender by August 28, 2025, is VACATED.

IT IS SO ORDERED.

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